

VEGETABLES*

9337. Adulteration of canned beans in tomato sauce. U. S. v. 2,145 Cases of Canned Beans in Tomato Sauce (and 3 other seizure actions against canned beans in tomato sauce). Decrees of condemnation. Portion of product ordered destroyed; remainder ordered delivered to charitable institutions. (F. D. C. Nos. 18548 to 18551, incl., 19054. Sample Nos. 25885-H, 25886-H, 26794-H, 26798-H, 30378-H.)

LIBELS FILED: December 14, 1945, and February 13, 1946, District of Colorado.

ALLEGED SHIPMENT: Between the approximate dates of October 11 and November 10, 1945, by the Norfolk Packing Co., from Plattsmouth, Nebr.

PRODUCT: 2,606 cases at Denver, Colo., and 386 cases at Pueblo, Colo., each case containing 24 1-pound, 4-ounce, cans of beans in tomato sauce.

LABEL, IN PART: "Harvest Treasure [or "Regards"] * * * Beans in Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), a portion of the article consisted in whole or in part of a filthy substance by reason of the presence of worms; Section 402 (b) (2), (all lots) small rocks had been substituted in whole or in part for beans in tomato sauce; and, Section 402 (b) (4), (all lots) small rocks had been packed with the article so as to reduce its quality.

DISPOSITION: Between December 28, 1945, and March 1, 1946, the shipper having authorized the taking of final decrees, judgments of condemnation were entered. The portion of the product containing worms was ordered destroyed and the remainder of the product was ordered delivered to charitable institutions.

9338. Adulteration of frozen green beans. U. S. v. 68 Cases of Frozen Green Beans. Default decree of condemnation and destruction. (F. D. C. No. 18758. Sample No. 44439-H.)

LIBEL FILED: January 2, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about August 31, 1944, by the Dixie Frosted Foods Co., from Georgiana, Ala.

PRODUCT: 68 cases, each containing 10 4-pound packages, of frozen green beans at Los Angeles, Calif.

LABEL, IN PART: "Brakeley's 'Little Darling' Fresh Frozen * * * Green Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 5, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9339. Misbranding of frozen lima beans. U. S. v. 2,760 Cases of Frozen Lima Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18636. Sample No. 7955-H.)

LIBEL FILED: December 10, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about July 30 and August 1, 1945, by Flavor Fresh Foods, from Pasadena, Calif.

PRODUCT: 2,760 cases, each containing 24 cartons, of frozen lima beans at Asbury Park, N. J. Examination showed that the product was frozen, soaked, dried lima beans.

LABEL, IN PART: "Hydrated Fordhook Lima Beans, Net Weight 2½ Lbs. * * * Packed by California Consumers Corporation Los Angeles Calif."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Hydrated Fordhook Lima Beans" was misleading as applied to frozen, soaked, dried lima beans since it created the impression that the article was frozen, succulent lima beans.

DISPOSITION: January 15, 1946. The Flavor Fresh Foods Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

9340. Adulteration of canned pinto beans. U. S. v. 768 Cases and 715 Cases of Canned Pinto Beans (and 1 seizure of other lots of the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 18821, 18822. Sample Nos. 30342-H, 30343-H, 30346-H, 30347-H.)

LIBELS FILED: January 10 and 21, 1946, District of Colorado.

*See also Nos. 9248, 9290.

ALLEGED SHIPMENT: On or about August 30 and October 6, 1945, by the Arizona Products Cannery Co., from Phoenix, Ariz.

PRODUCT: 1,564 cases, each containing 24 1-pound, 4-ounce cans, of pinto beans at Denver, Colo. Samples of the product were found to be decomposed and sour and to contain small stones.

LABEL, IN PART: "Schrock Brand Plain Pinto Beans [or "Pinto Beans in Chili sauce"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (849 cases) the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2) and (4), (1,483 cases) stones had been substituted in whole or in part for pinto beans and had been packed with the article so as to reduce its quality.

DISPOSITION: March 15 and April 2, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

9341. Misbranding of honey-flavored red beans. U. S. v. Miller's Groceteria Co. Plea of nolo contendere. Fine, \$1,100. (F. D. C. No. 16530. Sample Nos. 26412-H to 26414-H, incl., 26526-H, 26527-H, 26612-H to 26615-H, incl., 26716-H, 26717-H.)

INFORMATION FILED: November 23, 1945, District of Colorado, against the Miller's Groceteria Co., a corporation, Denver, Colo. It was charged that the defendant received in interstate commerce, on or about October 3, 1944, from the Otoe Food Products Co., Nebraska City, Nebr., a consignment of red beans which were misbranded; and that on or about February 5, 1945, the defendant delivered, for pay or otherwise, a number of cans of the product to various persons at its branch stores.

LABEL, IN PART: "Otoe Registered Brand * * * Honey Flavored Red Beans."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "Honey Flavored," "Containing Honey," and "Honey flavor adds a new taste appeal," were false and misleading since they represented and suggested that the article contained an appreciable amount of honey; and that it had the flavor and taste of honey. The product contained little or no honey, and it did not have the flavor and taste of honey.

DISPOSITION: January 27, 1946. A plea of nolo contendere having been entered, the court imposed a fine of \$100 on each count, a total fine of \$1,100.

9342. Adulteration of soy beans. U. S. v. 4 Bags of Soy Beans. Default decree of condemnation and destruction. (F. D. C. No. 18761. Sample Nos. 14451-H, 14452-H.)

LIBEL FILED: December 29, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about January 23 and August 2, 1945, by the Soy Bean Products Co., from Chicago, Ill.

PRODUCT: 4 100-pound bags of soy beans at Cleveland, Ohio.

LABEL, IN PART: "Whitson's Soy Nuts," or "Soy Nuts Selected Soy Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: February 7, 1946. The sole interveners having withdrawn their claims, judgment of condemnation was entered and the product was ordered destroyed.

9343. Adulteration of diced carrots. U. S. v. 265 Cases of Diced Carrots. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18895. Sample No. 22096-H.)

LIBEL FILED: January 24, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 24, 1945, by the Friday Canning Corporation, from New Richmond, Wis.

PRODUCT: 265 cases, each containing 6 6-pound, 8-ounce cans, of diced carrots at St. Louis, Mo.

LABEL, IN PART: "Friday's Diced Carrots."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of sour and decomposed carrots.